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School of Diplomacy and International Relations

Fall 2016

International Environmental Policy

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International Environmental Policy
DIPL 6031
Professor Moremen
Fall, 2016
[Preliminary Syllabus]

This course will address the nature, content, and structure of international environmental law. The course will first familiarize students with international environmental problems and basic principles of international law and environmental regulation. The course will then take up various specific topics, such as global warming, stratospheric ozone depletion, trade and environment, and biodiversity and biosafety. Throughout, the course will apply interdisciplinary tools to help understand the international environmental regulatory system. The course will explore the roles of different actors in that system, as well as the difficulties of negotiating and implementing agreements that form the rules of the system.

In terms of the learning goals and student outcomes the School's Faculty have identified as key for students, students will:

- increase their knowledge and understanding of
 - key concepts, models, theories, and debates in international relations
 - the institutional backdrop underpinning international politics, including international organizations and international law
 - the normative aspect of international relations as reflected in international law, including human rights
 - the prevailing global issues, such as international conflict, global health, and environmental challenges;
- develop skills to
 - collect, sort, and evaluate information
 - analyze complex situations and synthesize information
 - integrate different fields of study in analysis of a complex world
 - communicate effectively in oral and written form;
- develop a sense of global citizenship and to employ a global perspective to:
 - recognize and understand differences among a diversity of cultures and viewpoints
 - employ a global perspective and self-awareness regarding their own culture and responsibility as world citizens
 - demonstrate leadership qualities and other essential skills of diplomacy.

The course will include several requirements, more fully described below: (a) completing assigned readings before class and participating in class discussions; (b) preparing journal entries; (c) participating in an in-class exercise; (d) writing a 15-17 page research paper, and (e) taking a final exam. Class participation and the journal entries together will be worth 15% of your grade, the exercise will be worth 20%, the paper will be worth 35%, and the final 30%.

- a. Readings and Participation. Please read the assigned readings before class and be prepared to discuss them in class. Class participation is a required part of the course, and will be considered in determining your grade. I will select several students to lead discussion in each class.
- b. Journal Entries. **For seven of the class sessions (not including the in-class exercise), you will submit a 2 page typed, double-spaced journal entry on some aspect of that week's reading. You should submit journal entries in class. If you will be absent, you may submit your journal entry by e-mail. Late entries will be penalized ½ a mark; entries not submitted by the next class will not be graded.**
- c. In-Class Exercise. **Please be prepared to participate in the class exercise scheduled for class on November 2 and to participate in group activities and negotiation during the previous two weeks; please plan your schedule accordingly.** Your group will submit two position papers during the period preceding the exercise and a six page individual analysis on the day of the exercise. Further information will be provided.
- d. Research Paper. You will write a 15-17 page analytical paper on an international environmental topic. **You will submit a one-page paper proposal, together with an annotated bibliography, in class on October 5. Please see me before that date if you want to discuss a paper topic. The paper will be due Tuesday, November 22, at 4 p.m. through Safe Assign. If you have trouble with Safe Assign, you may submit your paper by e-mail to "beat the clock," but you will need to submit to Safe Assign ASAP. Late papers will be penalized ½ a grade; papers late more than a week will receive an additional penalty.**
- e. Final Exam. The final exam will be held during finals week in our normally scheduled class time, tentatively on Wednesday, December 14 (reading day).

COURSE MATERIALS: All students are expected to purchase the following book:

- David Hunter, James Salzman, & Durwood Zaelke, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY (5th ed., 2015).
- Supplemental readings will be posted on the course Blackboard site or are available online.

GRADING SCALE: The grading scale used for most assignments will be: 93 and above=A; 90-92=A-; 87-89=B+; 83-86=B; 80-82=B-; 77-79=C+; 73-76=C; 70-72=C-; 67-69=D+; 63-66=D; 60-62=D-; Below 60=F. Journal entries will be graded on a check, check plus, and check minus basis.

POLICY ON INCOMPLETES:

Incompletes will be given only in exceptional cases for emergencies. Students wishing to request a grade of Incomplete must provide documentation to support the request accompanied by a Course Adjustment Form (available from the Diplomacy Main Office) to the professor *before* the date of the final examination. If the incomplete request is approved, the professor reserves the right to specify the new submission date for all missing coursework. Students who fail to submit the missing course work within this time period will receive a failing grade for all missing coursework and a final grade based

on all coursework assigned. Any Incomplete not resolved within one calendar year of receiving the Incomplete or by the time of graduation (whichever comes first) automatically becomes an "FI" (which is equivalent to an F). It is the responsibility of the student to make sure they have completed all course requirements within the timeframe allotted. Please be aware that Incompletes on your transcript will impact financial aid and academic standing.

MORE ABOUT JOURNAL ENTRIES: Journal entries are graded as a check, check minus, check plus, check plus plus (rare). Journal entries are included in the portion of the grade dedicated to class participation. Satisfactory performance—i.e., that would not affect your grade either way—would consist of a mix of checks and check plusses. Superior or inferior performance could make a difference in your grade if you are between grades. **Failure to submit journal entries will affect your grade negatively.** Late journal entries will be penalized as described above.

I will try to provide comments on the first journals and in early classes to provide direction, but generally will not provide lengthy comments on journal entries. Rather than a summary of the readings, the journal entry should express your critical thoughts and reactions to the issues and the readings. Is there a point of view that you agree or disagree with and why? Can you bring in outside knowledge or experience to illustrate a point in a particularly telling way? You should strike a balance between broad coverage of the readings and a focused analysis. A summary of the readings generally will receive a check, unless it's very well done, e.g., identifying main themes in a sophisticated way. A journal entry consisting of general moral prescriptions without more (e.g., "people should be more concerned about the environment") will receive a check.

OFFICE HOURS AND CONTACT INFORMATION. Office hours will be from 3:00 to 4:00 on Wednesdays and 10-12 on Thursdays, or by appointment. My email is philip.moremen@shu.edu.

PLAGIARISM AND OTHER SERIOUS ABUSES OF ACADEMIC INTEGRITY. **All forms of dishonesty, whether by act or omission, including, but not limited to, cheating, plagiarism, and knowingly furnishing false information to the University, are prohibited.** Work submitted in courses must be the product of the efforts of the student presenting the work, and contributions of others to the finished work must be appropriately acknowledged. The presentation of another's work as one's own is a serious violation of the academic process. Plagiarism and other forms of academic dishonesty will be reported to the School of Diplomacy's administration, and may result in a lowered or failing grade for the course and up to possible dismissal from the School. See university and school standards for academic conduct here:

<http://www13.shu.edu/offices/student-life/community-standards/upload/Seton-Hall-University-Student-Code-of-Conduct.pdf>

<http://www.shu.edu/academics/diplomacy/academic-conduct.cfm>

More particularly: In a paper, where you quote language word for word, you must place in quotation marks or in a block quote and give the exact source for each quoted

passage. Where you paraphrase something, you must cite the source. Where you refer to or use an author's insight or idea, you must cite the source. Lifting language from a web site without indication and citation is plagiarism.

STUDENTS WITH DISABILITIES

It is the policy and practice of Seton Hall University to promote inclusive learning environments. If you have a documented disability you may be eligible for reasonable accommodations in compliance with University policy, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or the New Jersey Law against Discrimination. Please note, students are not permitted to negotiate accommodations directly with professors. To request accommodations or assistance, please self-identify with the Office for Disability Support Services (DSS), Duffy Hall, Room 67 at the beginning of the semester. For more information or to register for services, contact DSS at (973) 313-6003 or by e-mail at DSS@shu.edu.

CURRICULUM AND READINGS

Text=Hunter, Salzman, Zaelke. The reading assignments listed below are subject to modification.

Session 1: [8/31] Course Introduction

Session 2: [9/7] Population, Consumption, and Technology; Historical Overview, part I.

- Text: Ch. 1, 1-25 [skim, paying particular attention to climate change]; pp. 25-38.
- Text: Ch. 2, 39-97.
- Text: Ch. 4, 133-138; 140-155; 158-160.
- [Blackboard] Wattenberg, Never Mind the Population Explosion, The American Enterprise, Jan/Feb 2005.

Session 3: [9/14] Sustainable Development and Economics; Historical Overview, part II

- Text: Ch. 4, 166-173; 177-188.
- Text: Ch. 3 [All—101-132]
- Text: Ch. 8, 460-463 [intergenerational equity], 485-489 [Polluter pays].
- [Blackboard] Menell & Stewart, Environmental Law & Policy, 45-63 [read to familiarize with basic concepts].
- [skim] Ostrom, The Challenge of Common-Pool Resources, 50 Environment, July/Aug. 2008, at 8, available at <http://ezproxy.shu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=32854878&site=eds-live> [or through SHU library databases].

Session 4: [9/21] International Environmental Law I and the Ozone Regime.

- Text: Ch. 6, 285-309.
- Text: Ch. 10, 537-606 [except 569-573; 578-581, 586-588].

Session 5: [9/28] International Environmental Law II.

- Text: Ch. 6, 282-284 [notes 3-6]; 309-359 [except 327-335].
- Text: Ch. 4, 141-142 [Stockholm Decl.]; 160-165 [Rio Decl.]
- Text: Ch. 8, 433-445 [Overview of EIL principles; Sovereignty]; 466-472 [State Responsibility]; 472-478 [obligation not to cause harm]; 510-521 [Trail Smelter case]. Skim the rest of Ch. 8 so you can identify principles and refer to these pages when those principles come up.

PAPER TOPICS DUE IN CLASS OCTOBER 5

Session 6: [10/5] Climate Change I

- Text: Ch. 11, 607-678
- [skim for charts/graphs] National Academy of Sciences, Climate Stabilization Targets, In Brief, available at <http://www.nationalacademies.org/includes/StabilizationTargetsFinal.pdf>

Session 7: [10/12] Climate Change II

- Text: Ch. 11, 678-738.
- [Blackboard] Bodansky, The Paris Climate Change Agreement: A New Hope?, 110 Am. J. Int'l L., 288 (2016).

Session 8: [10/19] Trade and Environment

- Text: Ch. 17, 1219-1308.
- Text: Ch. 10, 578-581.

Session 9: [10/26] Forests

- Text: Ch. 16, 1176-1196.
- [Blackboard] Hunter et al., International Environmental Law & Policy (3d. ed., 2006) pp. 1188-1190 (Forest Principles); 1202-1207 (financing for conservation); 1210-1221 (indigenous peoples).
- [Blackboard] Lopez-Carr & Burgdorfer, Deforestation Drivers, 55 Environment Jan/Feb 2013, at 3.
- [Online] Wapner, The Challenges of Planetary Bandwagoning, Global Env't'l Politics, Aug. 2011, at 137, available at <http://ezproxy.shu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=poh&AN=63308809&site=eds-live> [or through SHU Library databases].

Session 10: [11/2] Forests Exercise [SUBMIT ISSUE BRIEF/GROUP POSITION PAPER]

- See Text, pp 1195-1196.

Session 11: [11/9] CITES and Habitat Protection

- Text: Ch. 15, 1091-1123 [CITES]
- Text: Ch. 16, 1125-1176. [Polar Regions, World Cultural and Natural Heritage, Ramsar Convention on Wetlands].

-[Online] Deere, Exploitation or Conservation? Can the Hunting Tourism Industry in Africa be Sustainable?, 53 Environment July/Aug. 2011, at 20, available at <http://ezproxy.shu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=79469661&site=eds-live> [or through SHU Library databases].

Session 12: [11/16] Biodiversity and Biosafety

-Text: Ch. 15, 993-1060 note 3.

**PAPER DUE TUESDAY, NOVEMBER 22, AT 4:00 P.M. BY SAFE
ASSIGN**

THANKSGIVING—NO CLASS 11/23

Session 13: [11/30] Implementation and Compliance

-Text: Ch. 7 [all—363-432].

-Review pp: 569-573 [Montreal Protocol Compliance Procedure]

Session 14: [12/7] International Corporate Standards; Wrap-up

-Text: Ch. 19, 1399-1436.